

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF WHOLESALER ) AMENDMENT TO SPECIAL RULING  
PROVISION OF SERVICES TO ) DATED AUGUST 31, 2004  
RETAILERS OF ALCOHOLIC )  
BEVERAGES )  
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)

BY THE DIRECTOR:

On August 31, 2004, I issued a Special Ruling on Wholesaler Provision of Services to Retailers of Alcoholic Beverages. The Special Ruling is to become effective on October 1, 2004.

By letter dated September 17, 2004, the Beer Institute requested that I stay the implementation of the Special Ruling. I have also had discussions with representatives from the New Jersey Beer Wholesalers, Miller Brewing Company and others, both before and after that date. The letter from the Beer Institute discussed substantive concerns it had with a section addressing "Tap, line cleaning and dispensing equipment." Other discussions raised the difficulty of creating alternative line cleaning mechanisms by the October 1, 2004 deadline. In addition, there is litigation on this Special Ruling pending with Anheuser-Busch. Under the August 31, 2004 Special Ruling, line cleaning was contemplated to be a function attended to by retailers, as it is in most other states. Accordingly, and in response to their concerns, I have decided to amend my Special Ruling dated August 31, 2004, as follows:

1. Section III, E entitled "Tap, line cleaning and dispensing equipment" is stayed until regulations are promulgated.
2. All other provisions of the Special Ruling dated August 31, 2004 shall become effective on October 1, 2004.
3. My stay of the provisions of Section III, E does not constitute an endorsement of any practice by which a third party, whether licensed or not, requires a licensee to provide such services, facilities or equipment to a retail licensee. Certain statements contained in the Appellate Division submissions of Anheuser-Busch may implicate N.J.S.A. 33:1-26. However, this issue is not the subject of any current matter.

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/s/  
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JERRY FISCHER  
DIRECTOR

DATED: September 29, 2004